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November 5, 2008

Via First Class Mail and Facsimile: 571-273-0299

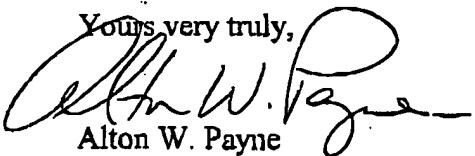
Board of Patent Appeals and Interferences  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
Attn: Mr. Roger Williams

Re: Appeal No.: 2008-2806  
Appellant: James J. Miller et al.  
Appl. No.: 10/730,431

Dear Sir,

The captioned Appeal is scheduled for Hearing on Thursday, December 11, 2008 at 1:00 p.m. Due to scheduling conflicts of our attorneys, particularly a trial set in the 125<sup>th</sup> Judicial District Court of Harris County, Texas, we would appreciate rescheduling the Hearing for the week of December 15, 2008, or at a later date convenient to the Office.

We appreciate your consideration of this matter.

Yours very truly,  
  
Alton W. Payne

AWP/jmc

Cc: Guy E. Matthews, esq.

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No:	[ ]	URGENT	[ ]
YES, BY MAIL	[ X ]	REPLY REQUESTED	[ ]
YES, BY OVERNIGHT	[ ]	CALL W/COMMENT	[ ]

**MESSAGE: Please see the attached letter. Thank you.**

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**Telecopier Operator or Contact:****Jennifer Castaneda****Telephone Number:****(713) 355-4200****Facsimile Number:****(713) 355-9689****Office Code:****Please notify if document transmission is incomplete or illegible.**